

Article 7.5. MH-unit Earthquake Resistant Bracing Systems (ERBS)

§ 1370. Application and Scope.

(a) The provisions of this article relating to the certification of MH-unit earthquake resistant bracing systems are applicable to all MH-unit earthquake resistant bracing systems sold or offered for sale within the State of California.

(b) The provisions of this article relating to the installation or reinstallation of an earthquake resistant bracing system required to be certified pursuant to this article, shall apply to a system installed or reinstalled on or under an MH-unit.

(c) The requirements of this article shall not apply to an MH-unit installed on a foundation system pursuant to section 18551 of the Health and Safety Code.

(d) Nothing in this article shall be construed as requiring the installation of earthquake resistant bracing systems on or under an MH-unit sited either before or after the effective date of this article.

NOTE: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 17003.5, 18300, and 18613.5, Health and Safety Code.

§ 1370.2. Certification Required.

(a) It shall be unlawful for any person, firm, or business to sell or offer for sale within this state, any earthquake resistant bracing system unless the system is certified by the department as meeting the requirements of this article.

(b) It shall be unlawful for any listing or testing agency to list as "approved" or authorize the use of its labels for any MH-unit earthquake resistant bracing system until such system is certified by the department.

NOTE: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 17003.5, 18300, and 18613.5, Health and Safety Code.

§ 1370.4. Enforcement and Penalties.

(a) The department shall administer and enforce all the provisions of this article. However, the penalties provided by this article shall not prevent an aggrieved party from pursuing other remedies under any provision of law.

(b) In addition to the penalties provided for in section 18700 of the Health and Safety Code, violation of any of the provisions of this article, or the sale or offering for sale of a certified earthquake resistant bracing system which does not conform to the certified plan for that design or system model, shall be cause for cancellation of certification by the department.

NOTE: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300, 18613.5, and 18700, Health and Safety Code.

§ 1371. Construction and Design Requirements.

(a) ERBS shall be designed and constructed to resist seismic forces determined in accordance with the provisions of Section 2312, Chapter 23, Uniform Building Code, 1982 Edition.

(b) ERBS shall be designed to limit downward vertical movement of a mobilehome or manufactured home to a maximum of two (2) inches.

(c) The ERBS manufacturer shall assure that each system sold or offered for sale bears a permanently affixed label. The label shall have a useful life of at least ten (10) years. The label shall provide, in a legible manner, evidence of approval from a listing or testing agency and the ERBS manufacturer's model name or number.

(d) If the ERBS consists of more than one bracing device, each individual device shall be labeled as required in subsection (c). For purposes of this article, a device may consist of one or more parts which, when assembled, forms an individual brace within an ERBS.

NOTE: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300, and 18613.5, Health and Safety Code.

§ 1372. Certification Application.

(a) The person, firm or business applying for certification for an ERBS, shall make application to the department on an Application for Certification of Manufactured Home or Mobilehome Earthquake Resistant Bracing System. This form is provided by the department.

(b) The person, firm or business shall also submit evidence that the system has been submitted to and approved by a department-approved listing or testing agency.

(c) Upon receipt of a complete application, the department shall review the application to assure that the proposed system will comply with the construction and design requirements set forth in section 1371 and the system has been approved by a department-approved testing or listing agency.

If the department finds that the above requirements have been met and the balance of any certification review fees due pursuant to section 1025 have been paid, the department shall certify the ERBS plans. An approved copy of the plans shall be returned to the manufacturer and a copy shall be retained at the place of manufacture.

NOTE: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5, and 18613.5, Health and Safety Code.

§ 1372.2. Plan Requirements.

(a) Plans submitted to the department for certification shall be on substantial paper or cloth, not less than eight and one-half (8 ½) by eleven (11) inches or multiples thereof but not exceeding twenty-five and one-half (25½) by thirty-six (36) inches.

(b) A plan shall include all pertinent items necessary for the design, construction, and installation of the system, such as details of connections, dimensions, footings, general notes and the method of installation.

(c) A plan shall depict only one design or model of ERBS.

(d) A plan shall include the ERBS manufacturer's installation instructions which, when approved, may be copied for the purposes specified in sections 1374.6 and 1374.7.

(e) Each page of the plan and each page of the ERBS manufacturer's installation instructions shall provide a blank space not less than three (3) inches by three (3) inches for the department's stamp of approval.

(f) Each page of the plan and each page of the ERBS manufacturer's installation instructions shall be identified by the ERBS manufacturer's name and the manufacturer's model name or number of the system to be certified.

(g) The cover sheet of the ERBS manufacturer's installation instructions shall show the total number of pages which constitute the instructions.

NOTE: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.

§ 1372.4. Certification Application Review and Notice of Department Decision.

(a) Within ten (10) working days of the receipt of an application and plans, the department shall provide the applicant with written notice whether the application is complete pursuant to section 1372 and acceptable for filing. If the application is not complete, the notice shall specify the information and/or documentation necessary to complete the application. If the application is not complete, the notice, the application and the accompanying documentation shall be returned to the applicant.

(b) Within sixty-seven (67) working days of the receipt of a complete and acceptable application, the department shall review the application and plans, and either issue a plan certification or provide the applicant with written notice of the department's refusal to issue a plan certification. The written notice of refusal shall specify the reason(s) why the plan certification is not being issued.

(c) An application for plan certification shall be considered complete and acceptable if it is in compliance with the provisions of section 1372 of this article.

(d) Should an applicant fail to submit a complete and acceptable application and plan within ninety (90) days of the notice of rejection, the application shall be deemed abandoned and all fees submitted pursuant to section 1025 shall be forfeited to the department. Should an applicant cancel the application for the plan certification prior to obtaining certification, all fees submitted shall be forfeited to the department.

(e) A survey conducted pursuant to Government Code section 15376 of the department's performance determined the minimum, median, and maximum elapsed time between receipt of a completed application for plan certification and reaching a final decision; the results are as follows:

- (1) Minimum: Ten (10) working days
- (2) Median: Twelve (12) working days
- (3) Maximum: Sixty-seven (67) working days.

NOTE: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5, and 18613.5, Health and Safety Code.

§ 1372.6. Calculations and Test Procedures.

(a) The load-bearing capacity of elements or assemblies shall be established by calculations in accordance with generally established principles of engineering design. However, when the composition or configuration of elements, assemblies, or details of structural members is such that calculations of their safe load-carrying capacity and basic structural integrity cannot be accurately determined in accordance with generally established principles of engineering design, structural properties of such members or assemblies may be established by the results of tests acceptable to the department.

If a manufacturer chooses to substantiate a design or method of construction by tests, the manufacturer shall contact the department prior to performing the tests to obtain information on testing criteria. If a department representative is required to witness the tests, the manufacturer shall be so notified.

(b) When any structural design or method of construction is substantiated by calculations and supporting data, such calculations and supporting data shall be signed by an architect or engineer and shall be submitted to the department.

(c) When the design of an earthquake resistant bracing system is substantiated by calculation or tests, all structural plans shall be signed by an architect or engineer in charge of the total design.

(d) When any design or method of construction is substantiated by tests, all test procedures and results shall be reviewed, evaluated, and signed by an architect or engineer.

NOTE: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.

§ 1373. Expiration.

(a) Plans shall expire two (2) years from the date of department certification.

(b) Certification of a design, which has not been changed since the most recent plan certification, may be renewed by resubmission, in triplicate, with all information required by section 1372, and renewal fees as specified in section 1025 on or before the expiration date of the certification.

NOTE: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5, and 18613.5, Health and Safety Code.

§ 1374. Revisions of Certification.

(a) When an applicant proposes revisions of a certification which does not change the structural system or method of construction of the system, the applicant shall submit an application in triplicate, three (3) copies of the revised plan and specifications, two (2) copies of the revised design calculations, and a revision fee as specified in section 1025.

(b) Plans which have been returned to the applicant for correction shall be resubmitted together with a resubmission fee and certification review fee as specified in section 1025.

NOTE: Authority cited: Section 18613.5, Health and Safety Code. Reference: Sections 18300 and 18613.5, Health and Safety Code.

§ 1374.2. Amended Regulations.

If substantive amendments of the department's regulations require changes to a certification, the department shall notify the applicant of such changes and shall allow the applicant one hundred eighty (180) days from the date of such notification in which to submit a revision. The revision proposal submitted pursuant to this section shall be submitted with appropriate fees. A proposal submitted after the one hundred eighty (180) day period of time provided shall be processed as a new application with appropriate fees.

NOTE: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 17003.5, 18300, 18502.5, and 18613.5, Health and Safety Code.

§ 1374.4. Change of Ownership, Name or Address.

When there is a change of ownership, name or address of an earthquake resistant bracing system manufacturing business having department certification, the manufacturer shall notify the department in writing within ten (10) days. The notification shall be accompanied by a change in ownership, name or address fee pursuant to section 1025 of this article.

NOTE: Authority cited: Sections 18502.5 and 18613.5, Health and Safety Code. Reference: Sections 18300, 18502.5, and 18613.5, Health and Safety Code.

§ 1374.5. Permit Required.

(a) A permit shall be obtained from the enforcement agency prior to installation or reinstallation of a certified earthquake resistant bracing system on or under an MH-unit.

(b) When an earthquake resistant bracing system is installed at the time of the MH-unit installation, separate permits shall be required for the installation of the MH-unit and the earthquake resistant bracing system.

NOTE: Authority cited: Sections 18300 and 18613.7, and Health and Safety Code. Reference: Sections 18502.5 and 18613.7, Health and Safety Code.

§ 1374.6. Permit Application.

The person, firm, or business required to obtain a permit to install or reinstall an earthquake resistant bracing system on or under an MH-unit shall apply to the enforcement agency. Where the department is the enforcement agency, the application shall be made on form HCD 50 ERBS.

NOTE: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18613, 18613.5, and 18613.7, Health and Safety Code.

§ 1374.7. Installation Requirements.

(a) An MH-unit earthquake resistant bracing system may only be installed by:

(1) The MH-unit registered owner; or

(2) A contractor as defined in Business and Professions Code section 7026. The contractor shall be licensed by the Contractors State License Board, and provide proof of a current license, and current Workers' Compensation Insurance coverage or certify to exemption from Workers' Compensation Insurance.

(b) The permit shall be in the possession of the installer and available to the enforcement agency during the installation of an earthquake resistant bracing system.

(c) Installations of earthquake resistant bracing systems shall comply with the ERBS manufacturer's installation instructions certified by the department. Certified systems shall not be modified without recertification by the department.

(d) The installer shall provide a copy of the ERBS manufacturer's installation instructions to the registered owner of the MH-unit when the installation is completed. The copy of the ERBS manufacturer's installation instructions must have been made from the original bearing the department's stamp of approval.

(e) The installer shall obtain the mobilehome park operator's written approval prior to excavating for support or hold down footings and endangering underground utilities. Park operator approval is not required for installations that are entirely above ground or where excavation is not required.

(f) Where the space beneath an MH-unit is enclosed, access to the underfloor area shall be in accordance with section 1346(a).

NOTE: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.7, Health and Safety Code, and Section 3800, Labor Code.

§ 1375. Inspections.

(a) The department may conduct inspections to determine compliance with the approved certification.

(b) The enforcement agency shall conduct an inspection of each certified earthquake resistant bracing system, installed or reinstalled on or under an MH-unit.

(c) Should inspection by an enforcement agency other than the department reveal that a manufacturer is manufacturing systems which do not conform to the department's certification, the enforcement agency shall, within ten (10) days of the inspection, notify the department in writing. The written notification shall include:

(1) The ERBS manufacturer's name.

(2) The model name and/or identifying number.

(3) The MH-unit's registered owner's name and address where the system was installed.

(4) A brief description of the facts constituting the earthquake resistant bracing system's noncompliance with the department's certification.

(d) Upon receiving a correction notice of noncompliance with department certification from a local enforcement agency, or upon obtaining such information by inspection, the department shall provide written notification of noncompliance requiring correction within thirty (30) days, or at a later date as determined by the department, to the manufacturer. The department shall also send an informational copy of the ERBS manufacturer's notification of noncompliance to the listing or testing agency that investigated and listed the system. The ERBS manufacturer shall apply for reinspection in accordance with section 1375.2.

(e) Where the ERBS manufacturer, after having been notified of the violation, fails to comply with the order to correct, or continues to manufacture systems in violation of the certification, the department's certification shall be revoked.

(f) If, as a finding of inspection, the installation of an earthquake resistant bracing system is found to be in violation of the ERBS manufacturer's installation instructions and/or plan, the enforcement agency shall provide the installer with a written correction notice of the violation requiring correction within thirty (30) days or at a later date as determined by the enforcement agency. The written notice shall also require the installer to make application to the enforcement agency for reinspection upon correction of the violations. The installer shall apply for reinspection in accordance with section 1375.2.

NOTE: Authority cited: Sections 18613.5 and 18613.7, Health and Safety Code. Reference: Sections 18300, 18613.5, and 18613.7, Health and Safety Code.

§ 1375.2. Required Correction and Reinspection.

(a) Any ERBS manufacturer issued a notice of violation pursuant to section 1375, shall take appropriate action to eliminate the violations and conform to the department's certification within thirty (30) days or at a later date as set forth in the notice of violation. Upon correction of the violations, the ERBS manufacturer shall apply to the department for reinspection. The application shall be accompanied by the reinspection fee specified in section 1025.

(b) Any person, firm or business having installed an earthquake resistant bracing system certified by the department, who is issued a notice of violation pursuant to section 1375, shall take appropriate action to eliminate the violations and conform to the ERBS manufacturer's installation instructions within thirty (30) days or at a later date as set forth in the notice of violation. Upon correction of the violations, the installer shall apply to the enforcement agency for reinspection.

NOTE: Authority cited: Sections 18300 and 18613.7, Health and Safety Code. Reference: Sections 18300 and 18613.7, Health and Safety Code.

§ 1377. Permit Application Review and Notice of Department Decision.

(a) Within one (1) working day of the receipt of an application to install an earthquake resistant bracing system, the department shall provide the applicant with written notice whether the application is complete pursuant to section 1374.6 and acceptable for filing. If the application is not complete, the notice shall specify the information and/or documentation necessary to complete the application. If the application is not complete, the notice, the application and the accompanying documentation shall be returned to the applicant.

(b) Within seventeen (17) working days of the receipt of a complete and acceptable application, the department shall issue a permit or shall provide the applicant with written notice of the department's refusal to issue a permit. The written notice of refusal shall specify the reasons why the permit may not be issued.

(c) An application for a permit to install an earthquake resistant bracing system shall be considered complete and acceptable if it is in compliance with the provisions of section 1374.6 of this article.

(d) Should the applicant fail to submit a complete and acceptable application within ninety (90) days of the notice of rejection, the application shall be deemed abandoned and all fees submitted pursuant to section 1025 shall be forfeited to the department. Should an applicant cancel the application for the permit to install a manufactured home or mobilehome earthquake resistant bracing system, all fees submitted shall be forfeited to the department.

(e) The estimated minimum, median, and maximum elapsed time between receipt of a completed application for a permit to install an earthquake resistant bracing system and reaching a final decision are as follows:

- (1) Minimum one (1) working day
- (2) Median two (2) working days
- (3) Maximum seventeen (17) working days

(f)(1) The applicant may request and shall be granted an informal administrative hearing for a timely resolution of any dispute arising from a violation of the time periods within which the department must process this application. Such request may be made to the Secretary of the Business, Transportation, and Housing Agency and or the director of the department or his or her duly authorized representative. The request shall be a written petition requesting a hearing which sets forth a brief statement of the grounds therefor.

(2) Upon receipt of the written petition, the department shall set a time and place for the hearing and shall give the petitioner at least ten (10) days written notice. The hearing shall commence no later than thirty (30) days after the day on which the petition was filed except that, upon application or concurrence of the petitioner, the department may postpone the date of the hearing for a reasonable time beyond the thirty (30) day period, if in its judgment the petitioner has submitted or the department has a good and sufficient reason for the postponement. Should petitioner fail to appear at the scheduled time and place of the hearing, the department may dismiss the petition without further action or take other action as may be appropriate.

(3) Upon conclusion of the hearing, either the Secretary of the Business, Transportation, and Housing Agency or the director of the department, or his or her duly authorized representative, shall notify the petitioner in writing of the decision in the matter and the reasons therefor, within forty-five (45) days.

(4) The petition shall be decided in the applicant's favor, if the department has exceeded the established maximum time period of issuance or denial of the permit and the department has failed to establish good cause for exceeding the time period.

(5) If the petition is decided in the applicant's favor, the applicant shall receive full reimbursement of any and all filing fees paid to the department.

NOTE: Authority cited: Sections 18502.5 and 18613.7, Health and Safety Code, and Section 15376, Government Code. Reference: Sections 18300, 18502.5, and 18613.7, Health and Safety Code, and Section 15376, Government Code.